

AMENDED IN SENATE APRIL 17, 2006

**SENATE BILL**

**No. 1561**

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**Introduced by Senator Alarcon**

February 23, 2006

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An act relating to workers' compensation to amend Section 48225.5 of the Education Code, and to amend Section 56 of, to add Sections 1285.1 and 1390.1 to, to add Part 4.5 (commencing with Section 1500) to Division 2 of, and to repeal Sections 1308.5, 1308.6, 1308.7, 1308.8, 1308.9, and 1310 of, the Labor Code, relating to employment of minors in the entertainment industry, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1561, as amended, Alarcon. ~~Workers' compensation: temporary disability.~~ *Employment: minors: entertainment industry.*

*Existing law establishes the occupational privileges and restrictions and the hours of employment of minors, including minors in the entertainment industry. Under existing law, the written consent of the Labor Commissioner is required for a minor under the age of 16 years to be employed in performances, concerts, and entertainment. These provisions regarding the employment of minors are enforced by the Division of Labor Standards Enforcement in the Department of Industrial Relations. Existing law generally makes it a misdemeanor to violate these provisions.*

*This bill would enact the Minors in Entertainment Act, which would establish the Division of Minors in Entertainment in the Department of Industrial Relations as the exclusive entity responsible for regulating and enforcing the provision of services intended for minors in the entertainment industry. The bill would prohibit a person or*

organization from employing a minor in the entertainment industry unless the person or organization has obtained a permit to employ under the act. The bill would also prohibit a minor from working in the entertainment industry without a work permit issued under this act. The bill would establish requirements with respect to these minors' working hours, workplace conditions, education, and representation. The bill would also, commencing January 1, 2008, require any person providing compensated services to a minor in the entertainment industry to be licensed, certified, or approved pursuant to the act. Because the bill would make it a misdemeanor to provide certain services to minors in the entertainment industry without being licensed or registered as required under the act, the would create a crime, thereby imposing a state-mandated local program.

This bill would repeal certain provisions regulating minors in the entertainment industry. The bill would provide that the act shall prevail over those general provisions regulating the employment of minors if there is a conflict.

This bill would authorize the division to charge permit, certification, and registration fees to be deposited in the Minors in Entertainment Fund created under the bill. The fund would be continuously appropriated to the division for expenditure to regulate persons and organizations providing services to minors in the entertainment industry.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law establishes a workers' compensation system to compensate an employee for injuries sustained in the course of his or her employment. Under this system, the Workers' Compensation Appeals Board has jurisdiction to determine these claims.~~

~~This bill would declare the intent of the Legislature to enact legislation that would clarify the procedures for determining an employee's degree of disability under a workers' compensation claim, and provide for a more efficient workers' compensation appeals process.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~yes. Fiscal committee: ~~no~~yes. State-mandated local program: ~~no~~yes.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 48225.5 of the Education Code is*  
2     *amended to read:*

3     48225.5. (a) (1) Notwithstanding Section 48200, a pupil  
4     who holds a work permit to work for a period of ~~not more than~~  
5     ~~five consecutive~~ *a maximum of 25* days in the entertainment or  
6     allied industries shall be excused from school during the ~~period~~  
7     *days* that the pupil is working in the entertainment or allied  
8     industry for a maximum of up to ~~five~~ 25 absences per school  
9     year, *in any combination of one or more days, not to exceed 25*  
10    *total days.*

11    (2) *If a pupil holds a work permit to work for a period in*  
12    *excess of 25 days in the entertainment or allied industries, for*  
13    *absences in excess of 25 days, the minor may be required to*  
14    *enroll in an independent studies program.*

15    (3) Notwithstanding Section 48200, a pupil shall be excused  
16    from school in order to participate with a not-for-profit  
17    performing arts organization in a performance for a public school  
18    pupil audience for a maximum of up to five days per school year  
19    provided the pupil's parent or guardian provides a written note to  
20    the school authorities explaining the reason for the pupil's  
21    absence.

22    (b) A pupil absent from school under this section shall be  
23    permitted to complete all assignments and tests missed during the  
24    absence that can be reasonably provided and, upon satisfactory  
25    completion, shall be given full credit therefor. The teacher of any  
26    class from which a pupil is absent shall determine, pursuant to  
27    the regulations of the governing board of the school district, or  
28    the county board of education, what assignments the pupil shall  
29    make up and in what period of time the pupil shall complete  
30    those assignments. The tests and assignments shall be reasonably  
31    equivalent to, but not necessarily identical to, the tests and  
32    assignments that the pupil missed during the absence.

33    (c) A pupil absent pursuant to paragraph (1) of subdivision (a)  
34    shall receive instruction during the period of the absence from a  
35    ~~studio set teacher certified by the Labor Commissioner holding~~  
36    ~~credentials as defined in Section 11755 of Title 8 of the~~  
37    ~~California Code of Regulations, authorized under Part 4.5~~  
38    *(commencing with Section 1500) of Division 2 of the Labor Code*

1 *to instruct a minor in the entertainment industry.* ~~The instruction~~  
2 ~~shall be offered between 7 a.m. and 4 p.m. for pupils in~~  
3 ~~kindergarten and grades 1 to 6, inclusive, and between 7 a.m. and~~  
4 ~~7 p.m. for pupils in grades 7 to 12, inclusive.~~ The school district  
5 or county superintendent of schools shall accept the work done  
6 by the pupil and the grades given to the pupil on that work and  
7 shall provide the pupil with credit for the instruction the pupil  
8 received from that teacher.

9 (d) At the request of a pupil excused from school pursuant to  
10 paragraph (1) of subdivision (a), the pupil may be permitted to  
11 enroll in a work experience program of the school district and  
12 shall receive appropriate academic credit for that work  
13 experience.

14 (e) This section shall apply to all pupils, whether a pupil is  
15 enrolled in regular classes or special education classes, a regional  
16 occupational program or center, or a program of independent  
17 study, or any other program of the school district or county  
18 superintendent of schools.

19 *SEC. 2. Section 56 of the Labor Code is amended to read:*

20 56. The work of the department shall be divided into at least  
21 ~~six~~ *seven* divisions known as the Division of Workers'  
22 Compensation, the Division of Occupational Safety and Health,  
23 the Division of Labor Standards Enforcement, the Division of  
24 Labor Statistics and Research, the Division of Apprenticeship  
25 Standards, *the Division of Minors in Entertainment*, and the State  
26 Compensation Insurance Fund.

27 *SEC. 3. Section 1285.1 is added to the Labor Code, to read:*

28 1285.1. *With respect to the employment of minors in the*  
29 *entertainment industry, Part 4.5 (commencing with Section 1500)*  
30 *shall prevail over this article, to the extent that there is a conflict*  
31 *between this article and that part.*

32 *SEC. 4. Section 1308.5 of the Labor Code is repealed.*

33 ~~1308.5. (a) This section, with the exception of paragraph (4)~~  
34 ~~of this subdivision, shall apply to all minors under the age of 16~~  
35 ~~years. The written consent of the Labor Commissioner is~~  
36 ~~required for any minor, not otherwise exempted by this chapter,~~  
37 ~~for any of the following:~~

38 ~~(1) The employment of any minor, in the presentation of any~~  
39 ~~drama, legitimate play, or in any radio broadcasting or television~~  
40 ~~studio.~~

1     ~~(2) The employment of any minor 12 years of age or over in~~  
2     ~~any other performance, concert, or entertainment.~~

3     ~~(3) The appearance of any minor over the age of eight years in~~  
4     ~~any performance, concert, or entertainment during the public~~  
5     ~~school vacation.~~

6     ~~(4) Allowing any minor between the ages of 8 and 18 years,~~  
7     ~~who is by any law of this state permitted to be employed as an~~  
8     ~~actor, actress, or performer in a theater, motion picture studio,~~  
9     ~~radio broadcasting studio, or television studio, before 10 o'clock~~  
10    ~~p.m., in the presentation of a performance, play, or drama~~  
11    ~~continuing from an earlier hour until after 10 o'clock, to continue~~  
12    ~~his part in such presentation between the hours of 10 and 12 p.m.~~

13    ~~(5) The appearance of any minor in any entertainment which is~~  
14    ~~noncommercial in nature.~~

15    ~~(6) The employment of any minor artist in the making of~~  
16    ~~phonograph recordings.~~

17    ~~(7) The employment of any minor as an advertising or~~  
18    ~~photographic model.~~

19    ~~(8) The employment or appearance of any minor pursuant to a~~  
20    ~~contract approved by the superior court under Chapter 3~~  
21    ~~(commencing with Section 6750) of Part 3 of Division 11 of the~~  
22    ~~Family Code.~~

23    ~~(b) Any person, or the agent, manager, superintendent or~~  
24    ~~officer thereof, employing either directly or indirectly through~~  
25    ~~third persons, or any parent or guardian of a minor who employs,~~  
26    ~~or permits any minor to be employed in violation of any of the~~  
27    ~~provisions of this section is guilty of a misdemeanor. Failure to~~  
28    ~~produce the written consent from the Labor Commissioner is~~  
29    ~~prima facie evidence of the illegal employment of any minor~~  
30    ~~whose written consent is not produced.~~

31    ~~SEC. 5. Section 1308.6 of the Labor Code is repealed.~~

32    ~~1308.6. No consent shall be given at any time unless the~~  
33    ~~officer giving it is satisfied that all of the following conditions~~  
34    ~~are met:~~

35    ~~(a) The environment in which the performance, concert, or~~  
36    ~~entertainment is to be produced is proper for the minor.~~

37    ~~(b) The conditions of employment are not detrimental to the~~  
38    ~~health of the minor.~~

~~(e) The minor's education will not be neglected or hampered by his or her participation in the performance, concert, or entertainment.~~

~~The Labor Commissioner may require the authority charged with the issuance of age and schooling certificates to make the necessary investigation into the conditions covered by this section.~~

*SEC. 6. Section 1308.7 of the Labor Code is repealed.*

~~1308.7. (a) No minor shall be employed in the entertainment industry more than eight hours in one day of 24 hours, or more than 48 hours in one week, or before 5 a.m., or after 10 p.m. on any day preceding a schoolday. However, a minor may work the hours authorized by this section during any evening preceding a nonschoolday until 12:30 a.m. of the nonschoolday.~~

~~(b) For purposes of this section, "schoolday" means any day in which a minor is required to attend school for 240 minutes or more.~~

~~(c) Any person or the agent or officer thereof, or any parent or guardian, who directly or indirectly violates or causes or suffers the violation of this section, is guilty of a misdemeanor punishable by a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000), or imprisonment in the county jail for not more than 60 days, or both.~~

*SEC. 7. Section 1308.8 of the Labor Code is repealed.*

~~1308.8. (a) No infant under the age of one month may be employed on any motion picture set or location unless a licensed physician and surgeon who is board-certified in pediatrics provides written certification that the infant is at least 15 days old and, in his or her medical opinion, the infant was carried to full term, was of normal birth weight, is physically capable of handling the stress of filmmaking, and the infant's lungs, eyes, heart, and immune system are sufficiently developed to withstand the potential risks.~~

~~(b) Any parent, guardian, or employer of a minor, and any officer or agent of an employer of a minor, who directly or indirectly violates subdivision (a), or who causes or suffers a violation of subdivision (a), with respect to that minor, is guilty of a misdemeanor punishable by a fine of not less than two thousand five hundred dollars (\$2,500) nor more than five~~

1 thousand dollars (\$5,000), by imprisonment in the county jail for  
2 not more than 60 days, or by both that fine and imprisonment.

3 *SEC. 8. Section 1308.9 of the Labor Code is repealed.*

4 ~~1308.9. (a) If the Labor Commissioner provides written~~  
5 ~~consent pursuant to Section 1308.5 for the employment of a~~  
6 ~~minor under a contract described in Section 6750 of the Family~~  
7 ~~Code, that consent shall be void after the expiration of 10~~  
8 ~~business days from the date written consent was granted, unless~~  
9 ~~it is attached to a true and correct copy of the trustee's statement~~  
10 ~~evidencing the establishment on behalf of the minor of a~~  
11 ~~"Coogan Trust Account" pursuant to Chapter 3 (commencing~~  
12 ~~with Section 6750) of Part 3 of Division 11 of the Family Code.~~  
13 ~~If the written consent is attached to a true and correct copy of that~~  
14 ~~trustee's statement, the written consent shall be valid for a~~  
15 ~~six-month period.~~

16 ~~(b) A person may not apply for the written consent of the~~  
17 ~~Labor Commissioner to employ the same minor under a contract~~  
18 ~~described in Section 6750 of the Family Code more than once in~~  
19 ~~any six-month period. If written consent is issued by the Labor~~  
20 ~~Commissioner for the employment of the same minor more than~~  
21 ~~once within any six-month period, the earliest dated written~~  
22 ~~consent shall be valid and any other written consent issued~~  
23 ~~during that six-month period shall be void.~~

24 *SEC. 9. Section 1310 of the Labor Code is repealed.*

25 ~~1310. Nothing in this article or Article 2 (commencing with~~  
26 ~~Section 1390) of Chapter 3 shall prohibit or prevent:~~

27 ~~(a) The appearance of any minor in any church, public or~~  
28 ~~religious school, or community entertainment.~~

29 ~~(b) The appearance of any minor in any school entertainment~~  
30 ~~or in any entertainment for charity or for children, for which no~~  
31 ~~admission fee is charged.~~

32 ~~(c) The appearance of any minor in any radio or television~~  
33 ~~broadcasting exhibition, where the minor receives no~~  
34 ~~compensation directly or indirectly therefor, and where the~~  
35 ~~engagement of the minor is limited to a single appearance lasting~~  
36 ~~not more than one hour, and where no admission fee is charged~~  
37 ~~for the radio broadcasting or television exhibition.~~

38 ~~(d) The appearance of any minor at any one event during a~~  
39 ~~calendar year, occurring on a day on which school attendance is~~  
40 ~~not required or on the day preceding such a day, lasting four~~

~~hours or less, where a parent or guardian of the minor is present,  
for which the minor does not directly or indirectly receive any  
compensation.~~

*SEC. 10. Section 1390.1 is added to the Labor Code, to read:  
1390.1. With respect to the employment of minors in the  
entertainment industry, Part 4.5 (commencing with Section 1500)  
shall prevail over this article, to the extent that there is a conflict  
between this article and that part.*

*SEC. 11. Part 4.5 (commencing with Section 1500) is added  
to Division 2 of the Labor Code, to read:*

#### *PART 4.5. MINORS IN ENTERTAINMENT ACT*

##### *CHAPTER 1. DIVISION OF MINORS IN ENTERTAINMENT*

*1500. This part shall be known and may be cited as the  
Minors in Entertainment Act.*

*1501. (a) This part shall be administered and enforced by the  
Division of Minors in Entertainment.*

*(b) The Division of Minors in Entertainment shall exclusively  
regulate, in accordance with this part, the provision of goods and  
services intended for minors in the entertainment industry.*

*1502. The Division of Minors in Entertainment shall assume  
exclusive responsibility for, or oversight of, the issuance of  
permits to employ minors in the entertainment industry, the  
issuance of work permits for minors in the entertainment  
industry, and the certification of set teachers.*

*1503. All moneys collected for licenses, registration, and  
approval under this part shall be paid into the Minors in  
Entertainment Fund, which is hereby created and continuously  
appropriated to the Division of Minors in Entertainment for the  
purposes of the regulation of persons and organizations  
providing services to minors in the entertainment industry.*

*1504. To the extent that there is a conflict between this part  
and Article 2 (commencing with Section 1285) of Chapter 2 and  
Article 2 (commencing with Section 1390) of Chapter 3 of Part 4,  
this part shall prevail.*



CHAPTER 2. GENERAL PROVISIONS

1505. For the purposes of this part, the following definitions shall apply:

(a) “Chief” means the Chief of the Division of Minors in Entertainment.

(b) “Division” means the Division of Minors in Entertainment.

(c) “Entertainment industry” includes performances and appearances in theater plays and live performances, concerts, night clubs, circuses, rodeos, fairs, conventions and conferences, motion pictures, television and video in any format or construct including the Internet, modeling, photography, videography, sound and music recording, sporting events, publicity or promotions, and any other performances in which a minor appears in public. “Entertainment industry” also includes, to the extent that a minor may work for pay or appear publicly, visual artists, graphic artists, computer hardware designers, video game and equipment designers and players, musical composers, and other pursuits known or developed in the future that involve the performance or appearance of a minor.

(d) “Minor” means a person younger than 18 years of age, except for a person who has earned a high school diploma or its equivalent, is married, or is serving or has served in the armed forces. An emancipated minor is not excluded from this definition of a minor on the basis of emancipation alone.

(e) “On-set liaison official” or “OSLO” means a person employed to ensure the well-being of a minor employed in the entertainment industry who is not being schooled. An “on-set liaison official” is also known in the entertainment industry as a welfare worker.

(f) “Performances and appearances” means any forms of exhibition or entertainment, except performances or appearances in a production or other exhibition produced or sponsored by an accredited school, college, or other educational institution or a bona fide nonprofit community or religious organization. The division may designate other exceptions, on a case-by-case basis, at the discretion of the chief.

1 (g) “Permit to employ” means a permit to employ a minor in  
2 the entertainment industry required under Article 1 (commencing  
3 with Section 1510) of Chapter 3.

4 (h) “Work permit” means a permit to work as a minor in the  
5 entertainment industry required under Article 2 (commencing  
6 with Section 1515) of Chapter 3.

7 1506. The chief may make temporary exceptions to  
8 accommodate a minor from another jurisdiction employed in the  
9 entertainment industry in California to allow sufficient time for  
10 compliance with this part.

11  
12 *CHAPTER 3. PERMITS*

13  
14 *Article 1. Permit to Employ*

15  
16 1510. (a) A person shall not employ a minor in the  
17 entertainment industry unless the person has obtained a permit to  
18 employ pursuant to this article.

19 (b) To obtain a permit to employ, a person shall complete an  
20 application provided by the division.

21 (c) The application shall require all of the following  
22 information:

23 (1) The name and address of the employer.

24 (2) The nature of the work to be performed.

25 (3) The name of the person designated by the employer to be  
26 responsible for compliance with this part and any provision of  
27 the Civil Code that pertains to the employment of minors.

28 (4) Evidence of valid workers’ compensation insurance.

29 (5) Evidence of a surety bond in the amount of one hundred  
30 thousand dollars (\$100,000) to guarantee any and all payments  
31 due to the minor.

32 (d) Upon satisfactory completion of the application process,  
33 the person shall be granted a permit to employ, effective  
34 immediately.

35 1511. (a) The permit to employ shall be valid for one year.

36 (b) (1) The division may charge a uniform fee not to exceed  
37 three hundred dollars (\$300) for the permit to employ for an  
38 employer with a single production entity, and a uniform fee not  
39 to exceed one thousand dollars (\$1,000) for an employer with  
40 multiple production entities. The fee shall be payable to the

1 *division by certified check or money order, or by electronic*  
2 *means if that system is available.*

3 *(2) The chief may reduce or waive the fee for organizations*  
4 *registered as nonprofit under the Corporations Code or for*  
5 *individuals pursuing degrees or diplomas at an accredited*  
6 *educational institution who are full-time pupils taking a*  
7 *minimum of 12 credits.*

8 *1512. (a) The chief may revoke a permit to employ for any*  
9 *violation of this part or any provision of the Civil Code or Penal*  
10 *Code that pertains to the employment of minors.*

11 *(b) The revocation of a permit may be appealed to the*  
12 *superior court in the jurisdiction in which the person that held*  
13 *the permit to employ is located. The division shall not renew or*  
14 *reinstate a permit to employ that has been revoked, except upon*  
15 *the order of the court.*

16 *1513. An applicant for a permit to employ shall designate one*  
17 *employee or other representative who shall be responsible to the*  
18 *division for all matters involving the permit to employ. This*  
19 *designated individual shall be subject to a criminal history*  
20 *background investigation and fingerprinting and may not have*  
21 *been convicted of a capital offense or any offense against a*  
22 *minor.*

23  
24 *Article 2. Work Permit*  
25

26 *1515. (a) A minor shall not work in the entertainment*  
27 *industry without a work permit issued under this article.*

28 *(b) The parent or guardian of a minor may submit an*  
29 *application for a permit to work as a minor in the entertainment*  
30 *industry. A properly completed application shall be approved*  
31 *and the work permit shall be promptly issued if all of the*  
32 *following conditions are met to the satisfaction of the division:*

33 *(1) The minor is legally entitled to work in the United States.*

34 *(2) The minor is enrolled in a California-accredited school or*  
35 *is receiving home or independent instruction under the*  
36 *jurisdiction of a California school district and maintains a*  
37 *passing grade-point average. Minors arriving from out-of-state*  
38 *shall substantially conform and comply with California*  
39 *educational requirements before receiving a work permit. The*  
40 *requirement that a minor arriving from out-of-state have*

1 *maintained a passing grade point average shall be satisfied if the*  
2 *minor provides a letter from an out-of-state school official*  
3 *stating that the minor maintained a passing grade point average*  
4 *during the school term immediately prior to arriving in*  
5 *California.*

6 *(3) The fee established under Section 1519 has been paid.*

7 *1516. (a) Notwithstanding any other provision of law, a*  
8 *Coogan Account, also known as a Minor's Blocked Trust*  
9 *Account, shall be established for the benefit of a minor pursuant*  
10 *to Section 6753 of the Family Code at a bank, savings*  
11 *association, credit union, or other qualified financial institution*  
12 *located in California within 30 days of a minor's employment in*  
13 *the entertainment industry. A trust account established in another*  
14 *state that conforms to the spirit and intent of a Coogan Account*  
15 *described in Section 6753 of the Family Code, as determined by*  
16 *the division, may satisfy the requirements of this subdivision.*

17 *(b) Under extraordinary circumstances, the chief of the*  
18 *division may extend the 30-day deadline established under this*  
19 *section.*

20 *1517. (a) If at the time of the application for a permit to work*  
21 *as a minor in the entertainment industry, the minor is not*  
22 *enrolled in a California-accredited school or independently*  
23 *educated under the jurisdiction of a California school district but*  
24 *all other criteria under Section 1515 have been satisfied, the*  
25 *division may issue a provisional work permit for a 30-day period*  
26 *while this educational requirement is being satisfied.*

27 *(b) A provisional work permit under this subdivision may be*  
28 *issued only once. At the expiration of the 30-day period, all of the*  
29 *requirements under Section 1515 shall be satisfied to receive a*  
30 *work permit.*

31 *1518. (a) An application for a permit to work as a minor in*  
32 *the entertainment industry shall include all of the following:*

33 *(1) The minor's given name and professional name, if any.*

34 *(2) The minor's permanent residence address and temporary*  
35 *residence address, if any.*

36 *(3) The minor's telephone number and e-mail address.*

37 *(4) The minor's social security number.*

38 *(5) A photocopy of the minor's birth certificate as proof of the*  
39 *minor's date and place of birth. This photocopy will not be*  
40 *returned.*

1     (6) *The minor's height, weight, hair color, and eye color.*

2     (7) *The name, address, residence telephone number, and*  
3 *e-mail address, if any, of each parent or guardian of the minor.*

4     (8) *The address and telephone number of the minor's*  
5 *California school.*

6     (9) *Evidence of the minor's current school record, either by*  
7 *certification of a California school official or presentation of the*  
8 *minor's most recent report card.*

9     (10) *If the minor has been employed in the entertainment*  
10 *industry, the number of the Coogan Account established for the*  
11 *benefit of the minor and the name and address of the financial*  
12 *institution at which the account was established.*

13     (b) *An application to renew a work permit shall include all of*  
14 *the information described in paragraphs (1) to (10), inclusive,*  
15 *except paragraph (5), of subdivision (a). The renewal application*  
16 *shall also include a photocopy of the minor's most recent prior*  
17 *work permit.*

18     1519. (a) *An application for a work permit may be submitted*  
19 *by mail, or by e-mail if the division makes that option available*  
20 *and a verified original signature is on file. In exceptional cases,*  
21 *the chief may permit the work permit application process to be*  
22 *completed by a parent or guardian in person and without the*  
23 *presence of the minor.*

24     (b) *A work permit shall be valid for one year.*

25     (c) *The division may charge a fee, not to exceed fifty dollars*  
26 *(\$50), to issue or renew a work permit. The fee shall be payable*  
27 *to the division by certified check or money order, or by electronic*  
28 *means if that system is available. A fee shall not be charged to*  
29 *issue a provisional work permit.*

30     1520. (a) *Upon application of an employer, the division may,*  
31 *in its discretion, issue a blanket work permit, if the following*  
32 *conditions exist:*

33     (1) *The employer is employing an identifiable group of minors,*  
34 *such as marching bands, scout troops, or athletic teams.*

35     (2) *At least one member of the group does not have a work*  
36 *permit.*

37     (3) *The group has been in existence at least 90 days prior to*  
38 *being employed.*

39     (4) *No individual member of the group is employed in a*  
40 *principal or featured role.*

1 (b) A blanket work permit may be issued for not more than two  
2 days on any one production.

3 (c) All requirements of this part with respect to the  
4 employment of a minor in the entertainment industry shall apply  
5 to a blanket work permit.

6  
7 CHAPTER 4. EMPLOYMENT CONDITIONS

8  
9 Article 1. Worktime

10  
11 1525. (a) Travel time to and from the minor's place of  
12 residence shall not be considered the minor's worktime, unless  
13 the minor is under two years of age.

14 (b) (1) When a minor is being transported by an employer, all  
15 time spent traveling from a studio to a location or from a  
16 location to a studio shall be considered the minor's worktime,  
17 except as provided in paragraph (2).

18 (2) Travel time shall not be considered the minor's worktime if  
19 a minor is being transported to or from a distant location and the  
20 time spent transporting the minor does not exceed 45 minutes.

21 (3) Reasonable exceptions to this subdivision may be granted  
22 by the OSLO on a case-by-case basis.

23 (c) If travel is to or from a distant location and the employer  
24 does not provide transportation, the employer shall provide  
25 overnight accommodations for the minor on the night before  
26 employment and all nights on the days of employment.

27 (d) For purposes of this section, "distant location" means a  
28 location more than 100 miles from the employer's studio or a  
29 location from the employer's studio requiring an overnight stay.

30 1526. (a) (1) Except as provided in paragraph (2), a baby  
31 that is at least 15 days old, but has not reached the age of six  
32 months may only be at the workplace between the hours of 7:00  
33 a.m. and 6:00 p.m.

34 (2) Upon the agreement of the set first aid person, the set  
35 teacher or OSLO, and the parent or guardian, the baby may  
36 work for no more than two hours, between the hours of 7:00 a.m.  
37 and midnight.

38 (b) A baby described in subdivision (a) may be at the  
39 workplace for a maximum of two hours a day. Worktime shall

1 consist of no more than two 20-minute periods with at least a  
2 30-minute rest period in between.

3 (c) A nurse shall be provided for babies as follows:

4 (1) For babies less than six weeks old, a nurse shall be  
5 provided for every three or fewer babies.

6 (2) For babies ages six weeks and older, a nurse shall be  
7 provided for every 10 or fewer babies.

8 (d) A baby described in this section shall not be exposed to  
9 light of greater than 100 foot candles for more than 30 seconds  
10 at a time at the workplace.

11 1527. (a) (1) Except as provided in paragraph (2), a minor  
12 six months of age or older may only be at the workplace between  
13 the hours of 5:00 a.m. and 10:00 p.m.

14 (2) A minor who attends school may be at the workplace, on a  
15 day before a nonschoolday, between the hours of 5:00 a.m. and  
16 12:30 a.m.

17 (b) (1) Twelve hours shall elapse between the minor's time of  
18 dismissal on a workday and the time of call the following day.

19 (2) If the minor's regular schoolday starts less than 12 hours  
20 after the minor's dismissal on a workday, the minor shall be  
21 schooled the following day at the workplace or at the employer's  
22 studio.

23 (3) The requirements of this subdivision may not be waived,  
24 nor may the division grant an exception.

25 1528. The amount and use of time at the workplace within a  
26 24-hour period of a minor who is at least six months old, but who  
27 has not reached the age of 18 years, is limited, as follows:

28 (a) A minor who is at least six months old, but has not reached  
29 the age of three years, may be at the workplace for a maximum of  
30 four hours. Worktime shall consist of no more than two hours of  
31 work and the remaining two hours shall be for rest and  
32 recreation.

33 (b) A minor who is at least three years old, but has not  
34 reached the age of six years, may be at the workplace for a  
35 maximum of six hours. Worktime shall consist of no more than  
36 three hours and the remaining three hours shall be for rest and  
37 recreation.

38 (c) A minor who is at least six years old, but has not reached  
39 the age of nine years, may be at the workplace for a maximum of  
40 eight hours. Worktime shall consist of no more than four hours of

1 work, three hours of education, and one hour of rest and  
2 recreation. On days when the minor's school is not in session,  
3 worktime may be increased to six hours, with two hours of rest  
4 and recreation.

5 (d) A minor who is at least nine years old, but has not reached  
6 to age of 12 years, may be at the workplace for a maximum of  
7 nine hours. Worktime shall consist of no more than five hours of  
8 work, three hours of education, and one hour of rest and  
9 recreation. On days when the minor's school is not in session,  
10 worktime may be increased to seven hours of work, with two  
11 hours of rest and recreation.

12 (e) A minor who is at least 12 years old, but has not reached  
13 the age of 16 years, may be at the workplace for a maximum of  
14 10 hours. Worktime shall consist of no more than six hours of  
15 work, three hours of education, and one hour of rest and  
16 recreation. On days when school is not session, worktime may be  
17 increased to nine hours, with one hour of rest and recreation.

18 (f) A minor who is at least 16 years old, but has not reached  
19 the age of 18 years, may be at the workplace for a maximum of  
20 12 hours. Worktime shall consist of no more than eight hours of  
21 work, three hours of education, and one hour of rest and  
22 recreation. At the discretion of the set teacher or OSLO, the  
23 minor may work rather than take the one hour of rest and  
24 recreation. On days when school is not in session, worktime may  
25 be increased to 12 hours.

26 1529. Notwithstanding any other provision, anytime a minor  
27 between 12 and 18 years of age works overtime pursuant to this  
28 article, the minor shall be compensated at the same level as an  
29 adult.

30 1530. All hours for the minor at the workplace are exclusive  
31 of the meal period. The workday may not be extended more than  
32 one half hour to accommodate a meal period.

33 1531. Except as otherwise expressly provided in this article,  
34 the chief may grant an emergency variation to the workday and  
35 worktime requirements of this article, which shall only apply to  
36 nonconsecutive days. The division shall develop a form to  
37 request an emergency variation pursuant to this section.



Article 2. Workplace Conditions

1535. At any time that a minor is employed in the entertainment industry, an employer shall have staff present that includes either a set teacher or an on-set liaison official, as prescribed in this part, and a California-certified first aid person who is competent to render first aid to a minor within the Cal-OSHA standard of four minutes.

1536. A parent or guardian of a minor 16 years of age or younger shall be present at the workplace with the minor and be within sight and sound of the minor at all times. The parent or guardian may designate any responsible adult as a temporary guardian for the minor and shall provide that temporary guardian with legal and effective power to authorize emergency medical care for the minor.

1537. (a) A minor under the age of 16 years at the workplace may not be sent to wardrobe, makeup, or hairdressing, or be employed in any manner unless under the general supervision of an OSLO if the minor is not under the supervision of a set teacher.

(b) If a minor is not called to the workplace but is called for a period of up to one hour for any employment purpose, including, but not limited to, wardrobe fitting, photography, publicity, personal appearances, or audio recording, at any permissible time when the minor's school is not in session, an OSLO need not be present, but the minor shall be accompanied by a parent or guardian.

(c) On schooldays, the minor shall not perform more than two after-school engagements, with a total maximum time, including travel time between engagements, of no more than three hours.

1538. A minor shall not share a dressing room with any adult or with any minor of the opposite sex.

1539. An employer shall provide a safe and secure play area for minors to rest and play.

1540. A minor shall not be required to perform any activity that the minor is fearful of or uncomfortable performing, whether or not the fear or discomfort is real or imagined.

1541. (a) A minor shall not perform any work that is hazardous or detrimental to the well-being or education of the minor.

1     (b) Under the direct supervision of a qualified stunt and safety  
2 expert, the minor may perform any activity determined to be safe  
3 for a minor, with due consideration given to the minor's age,  
4 experience, and preparation. During the performance of this  
5 activity, the stunt and safety expert and qualified first aid  
6 personnel shall be present at all times. A qualified stunt and  
7 safety expert shall be registered as required under Article 4  
8 (commencing with Section 1580) of Chapter 5.

9     1542. An employer shall supply any and all safety and  
10 protective equipment or clothing that a minor and any stunt and  
11 safety expert supervising a minor may require.

12     1543. (a) A minor shall not perform any sexual act or  
13 simulated sexual act, nor shall other performers be used to  
14 surreptitiously suggest that the minor performed the act. For  
15 purposes of this section, "sexual act" means sexual conduct as  
16 defined in paragraph (1) of subdivision (d) of Section 311.4 of  
17 the Penal Code.

18     (b) The interpretation of this section shall be reasonable based  
19 on the age of the performer and the context of the performance.

20     (c) The chief shall be the final arbiter of what is allowable  
21 under this section.

22     (d) A violation of this provision shall be subject to penalties as  
23 provided in the Civil and Penal Codes.

### 24                     Article 3. Minor's Education and Representation

25  
26  
27     1545. (a) A minor shall complete at least three hours of  
28 education for every day of employment on which the minor's  
29 regular school is in session.

30     (b) Notwithstanding Section 48224 of the Education Code or  
31 any other provision of law, the hours of instruction specified in  
32 this article shall apply to a minor employed in the entertainment  
33 industry.

34     (c) In order to accommodate production scheduling and with  
35 the approval of the set teacher, one or two hours of school time  
36 may be banked against worktime on another workday or  
37 workdays if at least one hour of the school work is completed  
38 each day.

39     1546. (a) If a minor is employed on any day when the  
40 minor's regular school is in session, the employer shall employ

1 *for that day a set teacher, certified under Article 1 (commencing*  
2 *with Section 1560) of Chapter 5, who shall provide three hours*  
3 *of education. If the minor is not normally instructed in English at*  
4 *his or her regular school, the employer shall provide a properly*  
5 *qualified teacher in the language in which the minor is normally*  
6 *schooled.*

7 *(b) The minor shall bring sufficient assignments, books, and*  
8 *resource materials to satisfy the allotted time.*

9 *(c) School time shall be provided in blocks of no less than 20*  
10 *minutes, between the hours of 8:00 a.m. and 4:00 p.m.*

11 *1547. (a) The employer shall provide a schoolroom facility*  
12 *that closely approximates a normal school setting, including*  
13 *adequate lighting, heating and air conditioning, desks, and*  
14 *chairs. The employer shall also provide any necessary equipment*  
15 *or supplies if the equipment or supplies have been requested at*  
16 *least 24 hours in advance.*

17 *(b) A stationary bus or other vehicle, except an appropriately*  
18 *equipped recreational vehicle or motor home, is not an*  
19 *appropriate schoolroom facility.*

20 *(c) Any area designated as a schoolroom shall be reserved*  
21 *exclusively for that use, unless a waiver is granted by the chief.*

22 *1548. (a) The employer shall provide one set teacher for*  
23 *every 10 schoolage minors, or fraction thereof, who require*  
24 *schooling on any given day. A set teacher shall not be*  
25 *responsible for more than 10 minors on any one workday.*

26 *(b) A minor in any of grades 1 to 12, inclusive, shall be*  
27 *considered to be of schoolage.*

28 *1549. (a) A set teacher shall provide for the appropriate*  
29 *education required for a minor employed in the entertainment*  
30 *industry who is of schoolage and whose regular school is in*  
31 *session on a workday and shall ensure the well-being of that*  
32 *minor.*

33 *(b) A holder of a permit to employ shall not discharge or in*  
34 *any way discriminate against a set teacher for any action taken*  
35 *in compliance with this article.*

36 *1550. (a) A set teacher shall supply a minor with a written*  
37 *report concerning each day's lesson that shall be taken to the*  
38 *minor's regular school upon completion of employment, or more*  
39 *frequently if requested by the minor's school.*

1 (b) An accredited California school shall excuse any pupil  
2 who presents proof of employment in the entertainment industry  
3 and the set teacher's report specified in subdivision (a) to the  
4 appropriate school authorities within three days of the end of  
5 employment.

6 (c) A pupil that complies with subdivision (b) shall be allowed  
7 to make up any assignments given during the period of  
8 employment and may not be penalized in any way due to the days  
9 worked in the entertainment industry.

10 (d) If the minor works outside of California, a  
11 California-accredited school is not required to accept reports  
12 from non-California-credentialed teachers or excuse absences by  
13 minor who have not been schooled at the workplace by  
14 California-credentialed teachers.

15 1551. The employer shall provide one OSLO for every 20  
16 minors, or fraction thereof, to which either of the following  
17 applies on any given day:

18 (a) The minor is not of schoolage.

19 (b) The minor's regular school is not in session.

20 1552. (a) An OSLO shall have jurisdiction over any minor  
21 working in the entertainment industry in California and an  
22 OSLO's sole responsibility shall be to ensure the well-being of  
23 that minor.

24 (b) An OSLO shall be cognizant of the minor's working  
25 conditions, physical surroundings, signs of mental or physical  
26 fatigue, and the demands placed on the minor; taking into  
27 account the minor's age, agility, strength, and stamina.

28 (c) An OSLO may refuse to allow the completion of any work  
29 activity and may remove the minor from the work location if, in  
30 the judgment of the OSLO, conditions exist that present a danger  
31 to the minor's health, safety, or well-being. This action of the  
32 OSLO may be immediately appealed to the chief, or his or her  
33 designee, who may affirm or reject this action. A 24-hour hotline  
34 shall be established to permit an immediate appeal request.  
35 Pending a decision on an appeal under this subdivision, the  
36 disputed action of the OSLO shall be suspended.

37 (d) An OSLO shall require an employer and a minor to comply  
38 with all requirements of this part.

1     (e) A holder of a permit to employ shall not discharge or in  
2 any way discriminate against an OSLO for any action taken in  
3 compliance with this section.

4  
5                   *CHAPTER 5. MINOR'S SERVICE PROVIDERS AND*  
6                   *MISCELLANEOUS SUPPLIERS*

7  
8                   *Article 1. General Provisions*  
9

10     1555. (a) Commencing January 1, 2008, a person shall not  
11 provide compensated services to a minor in the entertainment  
12 industry unless that person is licensed, certified, or approved  
13 pursuant to this chapter.

14     (b) In exceptional cases, the chief may extend the January 1,  
15 2008, deadline for compliance with this chapter, upon written  
16 request setting forth good cause. An extension granted pursuant  
17 to this subdivision shall not be in effect beyond June 30, 2008.

18  
19                   *Article 2. Set Teachers and On-Set Liaison Officials (OSLOs)*  
20

21     1556. (a) A credentialed California teacher may apply for  
22 certification as a set teacher. Only a set teacher certified under  
23 this article may teach minors holding a work permit.

24     (b) The application, which shall be prepared by the division,  
25 shall require the teacher's name, address, telephone number, a  
26 complete description of the teacher's credentials and academic  
27 qualifications, and any other information that the chief may  
28 require.

29     (c) The chief shall develop a test to determine that an  
30 applicant for set teacher is well-versed in all applicable laws,  
31 regulations, and requirements that may apply to work performed  
32 by minors in the entertainment industry. An applicant shall be  
33 required to pass the test for initial certification and to renew  
34 certification.

35     (d) The chief shall develop, and make available at no charge  
36 and on a regular basis, a seminar to inform applicants about the  
37 requirements for being a set teacher.

38     (e) Upon successful completion of the application and testing  
39 process, a set teacher shall be certified to teach only those grade

1 levels for which he or she is credentialed, or otherwise qualified,  
2 as determined by the chief.

3 1557. (a) The division shall determine a set teacher's  
4 qualifications to teach specific subject areas.

5 (b) A set teacher shall not be assigned to any minor on more  
6 than two consecutive school days unless the division has  
7 previously determined that the set teacher is academically  
8 qualified to teach the subject grade level and coursework  
9 required by any minors under the set teacher's charge.

10 (c) If one teacher does not meet all of the qualifications  
11 required to instruct the minors employed, the division shall  
12 assign more than one teacher on a schedule to be determined on  
13 a case-by-case basis.

14 (d) In lieu of a specific determination that a set teacher is  
15 qualified under subdivision (b), the division may require, no  
16 more than once every three years, a periodic examination in  
17 language arts, mathematics, social studies, foreign languages,  
18 and science to ascertain a set teacher's qualifications to teach a  
19 subject grade level and coursework. The division may require a  
20 fee to administer this examination.

21 1558. (a) The division shall process all teacher assignments  
22 for employment as a set teacher.

23 (b) The division shall maintain 24-hour access for the purpose  
24 of processing a request for a set teacher assignment.

25 (c) The holder of a permit to employ, a minor, or a set teacher  
26 may make a request for a specific set teacher assignment if at  
27 least 72 hours' advance notice is provided. The division shall  
28 consider the request; however, the final decision as to the  
29 assignment is within the sole discretion of the division.

30 (d) The division shall have no responsibility for the  
31 compensation of a set teacher.

32 1559. (a) An employer of a minor in the entertainment  
33 industry shall employ an OSLO on any day in which a set teacher  
34 is not necessary because school is not in session for any minor  
35 employed on that day, the minors employed on that day do not  
36 require schooling, or both.

37 (b) An applicant for OSLO shall take and pass the same test  
38 required of a set teacher pursuant to subdivision (c) of Section  
39 1556 to verify the applicant's knowledge of the laws governing  
40 work by minors in the entertainment industry. Set teachers, and

1 *set first aid personnel who have met the requirements of this*  
2 *section, may qualify as OSLOs and serve in both capacities. The*  
3 *division shall have no responsibility for the compensation of an*  
4 *OSLO.*

5 *(c) To assist employers in finding OSLOs, the division, in*  
6 *association with the producers and theatrical unions, shall*  
7 *establish and maintain a pool of on-set liaison officials (OSLOs).*

8  
9 *Article 3. Talent Agencies and Artists' Managers*

10  
11 *1565. (a) A minor seeking work in the entertainment industry*  
12 *may accept representation for employment from a talent agency*  
13 *only if that talent agency is licensed under Chapter 4*  
14 *(commencing with Section 1700) of Part 6.*

15 *(b) A minor seeking work in the entertainment industry may*  
16 *accept representation from an artists' manager only if that*  
17 *artists' manager is registered as a manager of minors in the*  
18 *entertainment industry pursuant to this article.*

19 *(c) Talent agencies and artists' managers providing services*  
20 *to a minor under this article shall be compensated solely on a*  
21 *commission basis. If a minor has both a talent agency and an*  
22 *artist's manager, the sum of the commission charged by both the*  
23 *talent agency and the artists' manager shall not exceed 20*  
24 *percent of the minor's gross earnings.*

25 *1566. (a) An artists' manager shall register with the division*  
26 *to represent a minor in the entertainment industry.*

27 *(b) The division shall determine what information shall be*  
28 *required for the registration of an artists' manager.*

29 *(c) The registration shall be renewable on an annual basis.*  
30 *The division may charge an initial and annual registration fee*  
31 *not to exceed the amount of the annual license fee established for*  
32 *a talent agency pursuant to Chapter 4 (commencing with Section*  
33 *1700) of Part 6.*

34 *(d) Prior to the initial registration and the annual renewal of*  
35 *registration, an artists' manager shall obtain a surety bond in the*  
36 *amount of ten thousand dollars (\$10,000) and provide a copy of*  
37 *the bond to the division.*

38 *1567. (a) An artists' manager may provide any and all*  
39 *advice and services as agreed upon by written contract between*  
40 *the artists' manager and the artist, or the artist's parent or*

1 guardian, except that the artists' manager may not solicit or  
2 negotiate employment in any way and under any circumstances,  
3 unless the artists' manager also holds a talent agency license.

4 (b) Notwithstanding subdivision (a) or any provision of the  
5 Civil Code, for purposes of this section, a registered artists'  
6 manager may refer an artist to a licensed talent agency for  
7 representation if the artists' manager is not paid for the referral.

8 (c) This section shall prevail over subdivision (d) of Section  
9 1700.44, unless the artists' manager first obtains permission  
10 from both the artists' contracted talent agency and the artist, or  
11 artist's parent or guardian, in writing to expressly permit the  
12 artist's manager to perform the activities described in  
13 subdivision (d) of Section 1700.44.

14 (d) A violation of this section shall be a misdemeanor. Upon  
15 conviction of a violation of this section, the artists' manager  
16 shall forfeit all commissions received for the year prior to the  
17 violation, subject to audit by the division.

18 1568. A talent agency that is not licensed under Chapter 4  
19 (commencing with Section 1700) of Part 6 or an artists' manager  
20 who is not registered under this article, who provides the  
21 services of a talent agency or artists' manager to a minor in the  
22 entertainment industry in California is guilty of a misdemeanor  
23 and shall be punished by a fine of five hundred dollars (\$500),  
24 incarceration in a county jail for not to exceed 30 days, or both  
25 the fine and incarceration.

#### 26 27 Article 4. Trainers 28

29 1570. (a) A minor aspiring to work in the entertainment  
30 industry may receive appropriate training from an acting school,  
31 modeling school, acting coach, singing coach, dancing coach,  
32 modeling coach, workshop, seminar, or other like person only if  
33 that person is registered with this division.

34 (b) Training described in subdivision (a) shall not constitute  
35 either of the following:

36 (1) A postsecondary education organization.

37 (2) An advance-fee talent operation if the trainer is  
38 compensated solely on the basis of fees collected no more than  
39 six months in advance or, if fees are collected more than six



1 *months in advance, fees that have not been utilized are refunded*  
2 *on demand.*

3 *(c) “Trainer,” for purposes of this article, shall include a*  
4 *training organization.*

5 *(d) A qualified stunt and safety expert is a trainer who is*  
6 *required to register pursuant to this article.*

7 *1571. (a) A trainer providing services to minors under this*  
8 *article shall register with the division according to those*  
9 *procedures specified in this section and any other procedures*  
10 *that the division may require.*

11 *(b) To be registered as a trainer, the trainer shall provide the*  
12 *division with all of the following:*

13 *(1) A permanent business address in California.*

14 *(2) A catalog of classes available to minors with course*  
15 *descriptions and time requirements. The division shall approve*  
16 *the trainer’s teachers, classrooms, and classes for minors.*

17 *(3) A complete list of all owners or other persons who have a*  
18 *financial interest in the trainer’s operation.*

19 *(4) A listing of entertainment-related persons with whom the*  
20 *trainer has a financial relationship, which shall be updated*  
21 *promptly.*

22 *(c) The division may require a trainer to pay an initial and*  
23 *annual registration fee not to exceed one hundred dollars (\$100)*  
24 *and to obtain, and provide a copy to the division of, a surety*  
25 *bond in an amount not to exceed ten thousand dollars (\$10,000).*

26 *1572. (a) A trainer shall maintain and provide to the minor a*  
27 *contract for services that meets the requirements of this section*  
28 *and has been approved by the chief.*

29 *(b) The training contract shall not exceed a one-year term.*

30 *(c) The training contract shall describe in detail all fees*  
31 *charged and due under the contract, terms of payment*  
32 *installments, if any, and a listing of and charges for*  
33 *supplementary materials that may be required.*

34 *(d) The training contract shall describe the trainer’s policies*  
35 *for refunds and make-up classes. The contract shall contain a*  
36 *provision that allows a minor to make up missed classes.*

37 *(e) Each training contract shall include both of the following*  
38 *statements in bold print:*

39 *(1) “There is No Guarantee of Employment.”*

1 (2) “This contract has been approved by the State of  
2 California.”

3 (f) The original, dated, sequentially numbered contract shall  
4 be kept onsite in the permanent business address of the trainer in  
5 California.

6 1573. A trainer may function as, or provide its currently  
7 enrolled students who are minors with the services of, a talent  
8 agency, artists’ manager, or both, if all licensing, registration,  
9 and regulatory requirements have been met under this part and  
10 the Civil Code and if any commissions charged the minor for  
11 agency or management representation by the trainer are credited  
12 against fees or charges related to class enrollment.

13 1574. (a) A trainer shall create and maintain a complete and  
14 current list of fees, curriculum, and personnel applicable to  
15 minors.

16 (b) (1) The curriculum shall include a description of course  
17 content and a listing, with prices, of secondary resource  
18 materials that a minor may be required to supply. A list of  
19 secondary resource materials shall be conspicuously posted.

20 (2) The minor may not be required to purchase the same or  
21 new materials from the trainer. If the trainer is the sole supplier  
22 of the secondary resource materials, the trainer may not charge  
23 more than the standard industry retail markup in excess of  
24 acquisition cost.

25 1575. A trainer shall provide full disclosure to the minor of  
26 any ownership interest in any business to which the trainer refers  
27 a minor.

28 1576. If a trainer has met the requirements of this article,  
29 disputes arising from contracts between the trainer and the  
30 minor shall be resolved by the division in either an informal or  
31 formal review process, as determined by the chief.

32 1577. (a) A trainer shall list its name, location, and  
33 telephone number on all advertising.

34 (b) Only a trainer registered pursuant to this article may use  
35 the terms “certified,” “licensed,” or “approved” in its  
36 advertising.

37 (c) The following advertising is prohibited:

38 (1) Advertising containing misleading statements.

39 (2) “Bait and switch” advertising.

1 (3) Advertising that states or implies that the trainer may  
2 provide job placement when the trainer does not have proper  
3 authorization to provide job placement to a minor under the law.

4 (4) Advertising that states or implies that managers, agents, or  
5 casting directors will be present when those professionals would  
6 not have proper authorization to work with minors under the law.

7  
8 Article 5. Suppliers of Miscellaneous Services  
9

10 1580. For the purposes of this article, “supplier” means a  
11 supplier of services to a minor in the entertainment industry,  
12 including, but not limited to, a photographer or printer, as well  
13 as a talent agency, artists’ manager, trainer, casting director,  
14 casting agent, casting consultant, career consultant, baby  
15 wrangler, or convention.

16 1581. (a) A supplier shall post and maintain a price list of all  
17 services available to minors.

18 (b) If a supplier accepts a referral of a minor from a talent  
19 agency, artists’ manager, trainer, or another supplier, the  
20 supplier shall not charge the minor a premium as a result of the  
21 referral.

22 (c) A supplier shall not charge, request, accept, pay, or  
23 provide any fee or other compensation with regard to a referral  
24 to the supplier by any person for goods or services to a minor in  
25 the entertainment industry.

26 1582. (a) Except as authorized under this section, a supplier  
27 shall not charge a minor an advance fee to provide castings,  
28 referrals, or other employment services.

29 (b) If a supplier providing or assigning castings, referrals, or  
30 other employment services is not a contracted agent of the  
31 employer of a minor, the person shall register with this division  
32 pursuant to this article.

33 1583. (a) A talent agency, artists’ manager, casting director,  
34 casting agent, casting consultant, career consultant, baby  
35 wrangler, or any other person who supplies work to minors in  
36 any entertainment or modeling project shall not receive any fee  
37 or other payment from either the employer or the minor, except  
38 as authorized under this section.

1     (b) A supplier described in subdivision (a) shall not charge the  
2     minor a commission that exceeds 20 percent of the compensation  
3     the minor receives for the work.

4     (c) The work supplied to a minor pursuant to subdivision (a)  
5     shall be considered employment and the minor shall not be  
6     considered an independent contractor.

7     (d) The compensation that a minor receives for the work  
8     supplied pursuant to subdivision (a) shall comply with this code.

9     1584. (a) A minor shall not be charged, indirectly or  
10    directly, a fee to be listed, offered, recommended, considered, or  
11    in any other way made available for employment.

12   (b) Subdivision (a) does not apply to a general listing in a  
13   directory, Internet Web site, or other advertisement or  
14   publication. However, if the listing is used to facilitate a request  
15   for consideration for a specific job or other form of employment,  
16   the minor shall be listed in the basic format, without charge, and  
17   the listing shall include reasonable changes in pictures and other  
18   information to allow for regular changes in experience and  
19   appearance.

20   1585. (a) For purposes of this article, “convention” means a  
21   talent convention, conference, or exposition that provides  
22   services to minors in the entertainment industry.

23   (b) Notwithstanding any provision of the Civil Code, a  
24   convention shall not provide services to minors in the  
25   entertainment industry unless the convention obtains a certificate  
26   of approval for operation from the division, according to those  
27   procedures that the division may require.

28   (c) The division may require a convention that is required to  
29   obtain a certificate pursuant to this section to pay an initial and  
30   annual certification fee that shall not exceed one hundred  
31   thousand dollars (\$100,000), and to obtain, and provide to the  
32   division a copy of, a surety bond in an amount not to exceed one  
33   hundred thousand dollars (\$100,000).

34   1586. (a) A convention may showcase, exhibit, refer, or  
35   introduce a minor participating in the convention to a talent  
36   agency, artists’ manager, trainer, producer, casting director, or  
37   any person authorized under this part if the person is not an  
38   employee of, has no financial interest in, or does not receive any  
39   compensation or remuneration, other than reimbursements, from  
40   the convention.

1     **(b) (1)** *The convention may not permit the presence of any*  
2 *talent agency, artists' manager, trainer, photographer, or any*  
3 *other person offering goods or services to minors, whether or not*  
4 *the person is based in California, if the person is not authorized*  
5 *as provided in this chapter to provide goods and services to a*  
6 *minor in the entertainment industry.*

7     **(2)** *The convention shall exercise due diligence in ascertaining*  
8 *the background, experience, reputation, and authority of persons*  
9 *and businesses soliciting minors at the convention.*

10    **(3)** *A violation of this subdivision may result in disciplinary*  
11 *action by the division, including, but not limited to, a fine not to*  
12 *exceed one thousand dollars (\$1,000), revocation of the*  
13 *convention's certificate of approval for operation, or both a fine*  
14 *and revocation. The revocation may be effective immediately, in*  
15 *the discretion of the division.*

16    **(c)** *A convention shall guarantee all participant minors who*  
17 *visit the convention equal access, according to the minor's talent*  
18 *category, to all talent agencies, artists' managers, and trainers,*  
19 *as described in this part.*

20    **1587.** *A participant minor shall not be committed, obligated,*  
21 *signed, or contracted immediately prior to or during the time the*  
22 *convention is in session, according to the published convention*  
23 *schedule. A commitment, obligation, signing, or contract entered*  
24 *into in violation of this subdivision shall be void and may not be*  
25 *replaced with any similar agreement involving the same parties*  
26 *for one year following the close of the convention.*

27    **1588. (a)** *Notwithstanding the provisions of the Civil Code, a*  
28 *talent agency, artists' manager, or trainer may refer a minor to a*  
29 *convention if that talent agency, artists' manager, or trainer, or*  
30 *any employee or member of the immediate family of that talent*  
31 *agency, artists' manager, or trainer does not have a financial*  
32 *interest in or accept remuneration, other than reimbursements,*  
33 *from the convention.*

34    **(b)** *If the owner or operator of a convention has any financial*  
35 *interest or proprietary connection to a talent agency, artists'*  
36 *manager, or trainer who has referred a minor to the convention,*  
37 *the nature of this relationship shall be fully disclosed in writing*  
38 *and acknowledged by the participant minor before a contract for*  
39 *participation in the convention may be completed.*

1 (c) A person referring a minor to a convention pursuant to  
2 subdivision (a) shall, prior to collecting money for the  
3 convention, offer the parent or guardian of the minor planning to  
4 attend the convention a free seminar or workshop that completely  
5 describes what the convention entails, including, but not limited  
6 to, reasonable estimates of the all of the following:

7 (1) Specific, realistic expectations of success, both at the  
8 convention and after the convention.

9 (2) The time commitment necessary following the convention  
10 to reasonably expect success.

11 (3) The expectation of relocation, if any.

12 (4) The expectation of expenditures.

13 1589. A convention shall provide to representatives of minors  
14 a complete list of fees and charges, which shall be readily  
15 available to all participant minors and prospective participant  
16 minors.

#### 17 18 Article 6. Enforcement 19

20 1595. (a) The Division of Minors in Entertainment shall have  
21 the same authority and duties as the Division of Labor Standards  
22 and Enforcement, as specified in Chapter 1 (commencing with  
23 Section 1171) of Part 4, with respect to investigating and  
24 ascertaining the wages, hours, and working conditions of minors  
25 in the entertainment industry, administering and enforcing  
26 minimum wages and overtime compensation, seeking an  
27 injunction against violations of this part, and issuing citations  
28 and imposing civil penalties for failure to comply with minimum  
29 wage requirements.

30 (b) A minor, or his or her guardian, shall have the same rights  
31 as specified in Chapter 1 (commencing with Section 1171) of  
32 Part 4, to recover liquidated damages for unpaid minimum  
33 wages and register a complaint with the division regarding  
34 minimum wage violations.

35 SEC. 12. No reimbursement is required by this act pursuant  
36 to Section 6 of Article XIII B of the California Constitution  
37 because the only costs that may be incurred by a local agency or  
38 school district will be incurred because this act creates a new  
39 crime or infraction, eliminates a crime or infraction, or changes  
40 the penalty for a crime or infraction, within the meaning of

1 *Section 17556 of the Government Code, or changes the definition*  
2 *of a crime within the meaning of Section 6 of Article XIII B of the*  
3 *California Constitution.*

4 ~~SECTION 1. It is the intent of the Legislature to enact~~  
5 ~~legislation that would clarify the procedures for determining an~~  
6 ~~employee's degree of disability under a workers' compensation~~  
7 ~~claim, and provide for a more efficient workers' compensation~~  
8 ~~appeals process.~~

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